## PATENT APPLICATION FEE DETERMINATION RECORD
### Substitute for Form PTO-875

Application or Docket Number: 09/900364

### CLAIMS AS FILED – PART I

| FOR | (Column 1) NUMBER FILED | (Column 2) NUMBER EXTRA | SMALL ENTITY RATE | FEE | OR | OTHER THAN SMALL ENTITY RATE | FEE |
|---|---|---|---|---|---|---|---|
| BASIC FEE (37 CFR 1.16(a)) | | | | $ | OR | | $ |
| TOTAL CLAIMS (37 CFR 1.16(c)) | minus 20 = | * | X $____ = | | OR | X $____ = | |
| INDEPENDENT CLAIMS (37 CFR 1.16(b)) | minus 3 = | * | X $____ = | | OR | X $____ = | |
| MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d)) | | | + $____ = | | OR | + $____ = | |
| | | | TOTAL | | OR | TOTAL | |

* If the difference in column 1 is less than zero, enter "0" in column 2.

### CLAIMS AS AMENDED – PART II

4/24/06

**AMENDMENT A**

| | (Column 1) CLAIMS REMAINING AFTER AMENDMENT | | (Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR | (Column 3) PRESENT EXTRA | SMALL ENTITY RATE | ADDI-TIONAL FEE | OR | OTHER THAN SMALL ENTITY RATE | ADDI-TIONAL FEE |
|---|---|---|---|---|---|---|---|---|---|
| Total (37 CFR 1.16(c)) | * 65 | Minus | ** 152 | = | X $____ = | | OR | X $____ = | |
| Independent (37 CFR 1.16(b)) | * 1 | Minus | *** 7 | = | X $____ = | | OR | X $____ = | |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d)) | | | | | + $____ = | | OR | + $____ = | |
| | | | | | TOTAL ADD'L FEE | | OR | TOTAL ADD'L FEE | |

**AMENDMENT B**

| | (Column 1) CLAIMS REMAINING AFTER AMENDMENT | | (Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR | (Column 3) PRESENT EXTRA | SMALL ENTITY RATE | ADDI-TIONAL FEE | OR | OTHER THAN SMALL ENTITY RATE | ADDI-TIONAL FEE |
|---|---|---|---|---|---|---|---|---|---|
| Total (37 CFR 1.16(c)) | * | Minus | ** | = | X $____ = | | OR | X $____ = | |
| Independent (37 CFR 1.16(b)) | * | Minus | *** | = | X $____ = | | OR | X $____ = | |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d)) | | | | | + $____ = | | OR | + $____ = | |
| | | | | | TOTAL ADD'L FEE | | OR | TOTAL ADD'L FEE | |

**AMENDMENT C**

| | (Column 1) CLAIMS REMAINING AFTER AMENDMENT | | (Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR | (Column 3) PRESENT EXTRA | SMALL ENTITY RATE | ADDI-TIONAL FEE | OR | OTHER THAN SMALL ENTITY RATE | ADDI-TIONAL FEE |
|---|---|---|---|---|---|---|---|---|---|
| Total (37 CFR 1.16(c)) | * | Minus | ** | = | X $____ = | | OR | X $____ = | |
| Independent (37 CFR 1.16(b)) | * | Minus | *** | = | X $____ = | | OR | X $____ = | |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d)) | | | | | + $____ = | | OR | + $____ = | |
| | | | | | TOTAL ADD'L FEE | | OR | TOTAL ADD'L FEE | |

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.
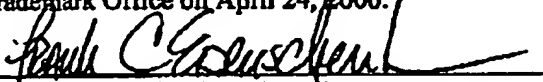
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I hereby certify that this correspondence is being
facsimile transmitted to the United States Patent
and Trademark Office on April 24, 2006.

*Frank C. Eisenschenk* (signature)

Frank C. Eisenschenk, Ph.D., Patent Attorney

ELECTION UNDER 35 U.S.C. § 121
Examining Group 1617
Patent Application
Docket No. MET-037CXT
Serial No. 09/900,364

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| | | |
|---|---|---|
| Examiner | : | Shahnam J. Sharareh |
| Art Unit | : | 1617 |
| Applicants | : | Paul D. van Poelje, Mark D. Erion, Toshihiko Fujiwara |
| Serial No. | : | 09/900,364 |
| Filed | : | July 5, 2001 |
| Conf. No. | : | 7049 |
| For | : | Combination of FBPase Inhibitors and Antidiabetic Agents Useful for the Treatment of Diabetes |

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Alexandria, VA 22313

### ELECTION UNDER 35 U.S.C. § 121

Sir:

In response to the written Restriction Requirement dated February 24, 2006 in the above-identified patent application, Applicants hereby elect to prosecute the following:

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